*102 [*The Questioner (Shrimati Kanak Mukherjee) was absent. For answer* Vide *Col.* 32-33..*infra*]

Excise duty payments locked up in litigation

*103. SHRI DHULESHWAR MEENA :
SHRI RAMCHANDRA BHARDWAJ : †

Will the Minister of FINANCE be pleased to state :

(a) what is the quantum of excise duty which is at present locked up in litigation in various courts;

(b) what is the Government's assessment about the excise duty payments due in respect of unauthorised and undisclosed production; and

(c) whether Government have decided to offer amnesty on the disclosure of excise duty in respect of undisclosed production; if so, what is the industry's response thereto so far ?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHAN POOJARI) : (a) The approximate amount of duty involved in the cases pending in the High Courts and Supreme Court as on 31-12-1985 is Rs. 2019 crores.

(b) No assessment about the excise duty payments due in respect of unauthorised and undisclosed production in respect of all commodities has recently been made.

(c) No such decision has been taken.

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†The Question was actually asked on the floor of the House by Shri Ramchandra Bhardwaj.

श्री रामचन्द्र भारद्वाज : मान्यवर, मैं माननीय मंत्री जी से यह जानना चाहूंगा कि हाईकोर्ट से लेकर सुप्रीम कोर्ट तक, उच्च न्यायालय से लेकर उच्चतम न्यायालय तक, सर्वोच्च न्यायालय तक कितने केसेज हैं, जो अभी तक पेंडिंग हैं ?

SHRI JANARDHAN POOJARI: Sir, in the High Courts 4975 cases are pending involving an approximate amount of Rs. 1210.64 crores. In the Supreme Court, 2183 cases are pending involving an amount of Rs. 808.64 crores. In total, there are 7158 cases involving an amount of Rs. 2019.28 crores.

MR. CHAIRMAN : Mr. Ramchandra Bhardwaj, I am giving you a second supplementary.

श्री रामचन्द्र भारद्वाज : मान्यवर, यह जब इस पर सरकार ने ध्यान दिया है और जो टैक्स नहीं देते या इवेजन करते हैं, उनको अगर नेट में लाने की कोशिश की गयी है टैक्सपेअर के, जो ऐसे कितने केसेज हैं, जो नेट में लाए जा सके हैं और उनसे सरकार को क्या लाभ हुआ है ? इसी के साथ जुड़ा हुआ प्रश्न यह है कि कुछ विशेष इन्सेंटिव सरकार ने इनफारमर्स को और आफीसर्स को दिया है इस संबंध में, तो उसमें 84,952।- रुपए दिए गए थे 1984 में और 1985 में उसको बढ़ाकर 21,48,583।- कर दिया गया है, यह इतनी भारी रकम जो दे रहे हैं, उसका लाभ क्या हुआ है ?

SHRI JANARDHAN POOJARI: Sir, because of the various measures we have taken, last year we have been able to collect about Rs. 2,411 crores more than the budget estimate. That is the collection that we have been able to get because of the various measures that we have taken. By giving incentives also—this is one of the methods—we can get more collection.

SHRI SANKAR PRASAD MITRA : Sir, about nine years ago, representatives of the Excise Department gave to the Chief Justice of the

Calcutta High Court a list of cases which had been pending for several years involving several crores of rupees. The Chief Justice of the High Court took immediate steps to have those cases disposed of within a period of two months.

SHRI NIRMAL CHATTERJEE: Who was the Chief Justice ?

SHRI SANKAR PRASAD MITRA : Have any such steps or similar steps been taken with regard to the pending cases today ?

SHRI CHITTA BASU : Will the name of the Chief Justice be made known ?

SHRI JANARDHAN POOJARI: Sir, steps are being taken to see that the cases are disposed of expeditiously. As you know, we cannot do anything more than represent to the courts and to the judges through our counsel. Also we can ask the legal department to take immediate steps to see that the cases are disposed of expeditiously in the courts of law.

MR. CHAIRMAN : Justice Mitra's point is, have you made such a representation to the court ?

SHRI P. SHIV SHANKER : It was made to Justice Mitra.

SHRI JANARDHAN POOJARI: We have been taking steps. As you know, there is a constraint. But we have been continuously making representations through our counsels and our counsels are also making their representations in the courts of law.

SHRI PAWAN KUMAR BANSAL : Mr. Chairman, Sir, while the efforts of the Government to mop up all the revenue are commendable we also often see that overzealous officers, to show more revenue returns rather decline to exercise their discretion where discretion is otherwise permissible under the various provisions of the relevant Acts and rules, regarding giving of some grace time to the people concerned to pay the excise duty or customs duty. I would like to know from the hon. Minister whether any instructions are being issued that in the process of collecting revenues, innocent people should not be harassed. I would also like to know what is the amount out of this figure of Rs. 2,019 crores which is blocked in various litigations for the reason that the people concerned have challenged the very validity of the excise duty on certain items.

SHRI JANARDHAN POOJARI: Sir, so far as amnesty and other things are concerned it is the duty of the tax evaders to pay their duty and we have to see, without showing any leniency towards them, that they pay the taxes. So far as the cases which are pending in the courts are concerned, about 185 cases have been taken in the Supreme Court and its judgment is awaited

SHRI GHULAM RASOOL MATTO : Sir, in view of the long time that the present legal systems takes in the finalisation of these matters, will the hon. Minister consider the constitution of a separate tribunal entirely for excise cases ?

SHRI JANARDHAN POOJARI: We will look into the suggestion.

SHRI JAGESH DESAI : Mr. Chairman, Sir, in many tax laws, there are provisions that before an appeal is admitted, some part of the disputed amount has to be paid. I would like to know whether there is any proposal before the Government that before an appeal is admitted in the case of excise, part payment must be made. Sir, here every year the Government is losing interest—even at 12 per cent to the tune of Rs. 240 crores on this amount of Rs. 2,000 crores. All these amounts will be lost in case the Government loses the case. So will the Government levy a higher rate of interest, say, 20 per cent, on these amounts, if necessary, by amending the law?

SHRI JANARDHAN POOJARI : We are charging interest on these amounts. But a higher rate of interest is not permissible and cannot be levied. We are charging interest at the rate of 17½ per cent. the bank rate.

SHRI NIRMAL CHATTERJEE: There were and there are many cases of whether or not post-manufacturing expenses should be included as part of the value. Now the Supreme Court has given a verdict in relation to a particular firm. But there are many firms which have also gone to the court trying to avoid taxes on the post-manufacturing expenses. What is the total amount of dues due to non-disposal of these post-manufacturing expenses cases in different courts and what steps is the Government contemplating in view of the Supreme court judgement to expedite collection from them ?

SHRI JANARDHAN POOJARI : As I said earlier, there are 185 PME cases pending in the Supreme Court involving approximately Rs. 283.73 crores, and 274 PME cases pending in High Courts amounting to approximately Rs. 250.65 Crores. Arguments have been over in 185 cases and they are awaiting judgement. Even though there is a judgement in a particular case, so far as these cases are concerned, each case has been argued and will be decided on merits.

SHRI M. KADHARSHA: May I know whether it is a fact that lack of uniformity in assessment of the same goods is mainly responsible for these disputes ? If so, I like to know whether Government will instruct Customs...

MR. CHAIRMAN : Question

Demands of Newspapers Employees

*104. SHRI N.E. BALARAM :†
SHRI M. KALYANASUNDARAM :

Will the Minister of LABOUR be pleased to state :

(a) whether Government have examined the demands of the Newspaper Employees Federation, the Indian Federation of working journalists and other organisations which organised a day's protest strike on the 2nd April, 1986 to press their demands ; and

(b) if so, what action has been taken thereon ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : (a) and (b) A Statement is laid on the Table of the House .

Statement

The All India Newspaper Employees Federation, Indian Federation of working journalists and other organisations had demanded interim relief ranging from Rs. 200/ to Rs. 400/- p.m. for all the newspaper employees irrespective of existing pay scale. The Newspaper Employees observed one day's strike on 2-4-86 for early announcement of interim relief. The question of interim rates of wages was referred to the Wage Boards for Working Journalists and Non-Journalist Newspapers Employees soon after their constitution under the provisions of Working Journalists and other Newspapers Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955. Their recommendations are still awaited. The Government have already requested the Chairman, Wage Boards to expedite their recommendations. As soon as the recommendations are received the same will be considered by the Government under Section 13A of the Act.

†The question was actually asked on the foor of the House by Shri N.E. Balaram.